



CITY OF MEMPHIS

COUNCIL AGENDA

October 21, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 7, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION honoring the life of Gwendolyn "Gwen" Joyce Sneed.
Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the northwest corner of Houston Levee and Macon Road, containing 26.87 acres in an area currently governed by the Lee Line Farms Planned Development (PD 06-314cc). (Held from 9/23)
Hedgepeth Case No. PD 06-314cc

Appellant: Gray's Creek Association

Applicant: Wal-Mart Stores

Request: Uphold the appeal of the Gray's Creek Association and thereby reverse Land Use Control Board approval of a site plan for a proposed Wal-Mart Supercenter

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION, of the site plan

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON SEPTEMBER 12, 2008

3. RESOLUTION approving a planned development located on the northeast corner of Lamar Avenue and McLean Boulevard, containing 0.25 acre in the Highway Commercial (C-H) District. (Held from 9/23)

Hedgepeth

Case No. PD 08-320

Applicant: Carolyn A. Glover
Dedrick Brittenum – Representative

Request: A planned development to permit two principle structures on one zoning lot

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

74 NOTICES MAILED ON OCTOBER 10, 2008

4. RESOLUTION approving a planned development beginning at the southern terminus of Cobb Road; +635.06 feet south of U.S. Highway 64 containing 132.15 acres in the Grays Creek Planned Development 3rd Amendment.

Hedgepeth

Case No. PD 08-314

Applicant: South 64 Joint Venture (Terry Edwards)
Solomito Land Planning – Brenda Solomito – Representative

Request: Revise Areas C & D to permit a maximum of 336 apartment units in 42 buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

141 NOTICES MAILED ON OCTOBER 10, 2008

5. RESOLUTION approving a subdivision revocation located on the southeast corner of Van Leer Drive & U.S. Highway 64, containing 0.69 acre (30,056 square feet) in the Vacant land area ~ Planned Commercial (C-P) District.

Hedgepeth

Case No. SR 08-901

Applicant: Buring/Thomas Partnership
Construction Engineering Services, Inc. – Representative

Request: Revoke Phase 4 of the Countryside Center C-P

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

6 NOTICES WERE MAILED ON OCTOBER 10, 2008

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION approving a special use permit located +4,300 feet westwardly from a point on Paul R. Lowry Road roughly 2,100 feet north of Nucor Steel Plant access drive, containing 30.6 acres in the Heavy Industrial (I-H) District.

Hedgepeth

Case No. SUP 08-224

Applicant: Metal Management Memphis, Inc.

Request: Storage and processing of scrap metal

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a special use permit located on the southwest corner of Jefferson Avenue and Main Street, containing .4365 acre in the Central Business (CBD) District.

Hedgepeth

Case No. SUP 08-228

Applicant: Summit Management Corporation
Allison T. Gilbert – Representative

Request: A Courtyard by Marriot Hotel containing 131 guest rooms

LUCB and OPD recommendation: APPROVAL, with one condition

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

8. **ORDINANCE** rezoning the northwest corner of Sam Cooper Blvd and North Perkins Street, containing 6,725 square feet in the General Office (O-G) District, up for T H I R D and F I N A L reading. (Held from 10/07)

Hedgepeth

Ordinance No. 5277

Case No. Z 08-103

Applicants: Leopold L. Brown, Lorraine Brown &
W. A. & Sarah Newsom
Tim McCaskill – McCaskill & Associates - Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

37 RE-NOTIFICATION NOTICES WERE MAILED ON OCTOBER 10, 2008

9. **ORDINANCE** rezoning the east side of North Second Street, opposite of Pear and Plum Avenue intersections, containing 8.40 acres in the Heavy Industrial (I-H) District, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5280

Case No. Z 08-108

Applicant: Harbor View Properties, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: Mixed Use (MU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

14 NOTICES WERE MAILED ON OCTOBER 10, 2008



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

10. RESOLUTION rezoning the west side of Herbert Road; \pm 40 feet south of Fischer Steel Road, containing 9.55 acres in the Vacant land area ~ Heavy Industrial (I-H) District, up for F I R S T reading.

Hedgepeth

Ordinance No. 5282

Case No. Z 08-110

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** beginning at the east side of Island Avenue, extending to the west side of Danny Thomas Boulevard, containing 4,229 feet in the street right-of-way ~Mixed Use (MU) District, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5281

Case No. SNC 08-801

Applicant: Willis Family
Archie Willis – Representative

Request: Street Name Change Request from Auction Avenue to A. W. Willis Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

12. RESOLUTION accepting DEXTER RIDGE FARMS PD, and authorizing release of bond.

Case No. PD 04-307cc
(Contact No. CR-4886)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Dexter Road and Wynne Road. The standard improvement contract was approved on August 3, 2004. Resolution also authorizes the release of the performance bond in the amount of \$422,000.00. This action is subject to County approval.

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting SPRINGDALE CREEK APARTMENTS P.D., and authorizing release of bond.

Case No. PD 02-355
(Contract No. CR-4845)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Jackson Avenue, west of Meagher Street. The standard improvement contract was approved on January 6, 2004. Resolution also authorizes the release of the cash bond in the amount of \$13,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of STONEBRIAR PLANNED DEVELOPMENT, PHASE 8.

Case No. PD 03-355cc
Contract No. CR-5120

Resolution approves the final plat located on the northside of Stateline Road, east of Riverdale Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION approving final plat of UNIVERSITY PLACE PLANNED DEVELOPMENT, PHASE 3.

Case No. PD 06-344
Contract No. CR-5121

Resolution approves the final plat located on the south side of Crump Blvd between Dudley Street and Camilla Street. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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MLGW FISCAL CONSENT

16. RESOLUTION approving Contract No. 11225, Pole Audit, between MLGW, AT&T, Inc., Comcast, Kentucky Data Link, Inc., Zayo Bandwidth Tennessee, LLC, XO Communications, and Furr and Associates, Inc., all collectively known as the Pole Audit Committee (PAC), in an amount not to exceed \$367,000.00. (The amount of \$275,000.00 will be paid to Furr and Associates, Inc. and will be reimbursed to MLGW by applicable PAC members, and the amount of \$92,000.00 will be paid to AT&T, Inc.)
17. RESOLUTION awarding Contract No. 11289, Storage Area Network (SAN) Addition, to EMC Corporation, in the funded amount of \$632,340.00.
18. RESOLUTION awarding Contract No. 11297, Electric Substation 86 Chain Link Fence, to South Memphis Fence Company, Inc., in the funded amount of \$47,970.00.
19. RESOLUTION approving Change No. 8 to Contract No. 10705, Oracle Software License and Service Agreement, with Oracle, Inc., in the funded amount of \$313,744.50. (This covers the purchase of 90 additional professional user licenses, pursuant with the software agreement between Oracle Corporation and MLGW, and includes the first year of support.)
20. RESOLUTION approving Change No. 1 to Contract No. 11070, Utility Meter Data Application, with Automated Energy, Inc., (AEI), in the funded amount of \$18,000.00. (This increases the contract value to accommodate additional enrolled meters.)
21. RESOLUTION awarding 12-month contract for ornamental poles to Southern Sales & Service Company, Inc. in the amount of \$515,500.00.
22. RESOLUTION awarding contract for approximately 80,625 pounds of 954 KCMIL wire to HD Supply Utilities in the amount of \$144,318.75.
23. RESOLUTION authorizing exercise of option to extend contracts for electro fusion gas fittings with Chris George Sales and M.T. Deason Company, Inc. for the second 12-month period in the amount of \$4,282.00 and \$27,791.38 respectively, totaling \$32,073.38.
24. RESOLUTION awarding contract for a dump truck to Tag Truck Center in the amount of \$80,052.49.
25. RESOLUTION awarding contract for polyethylene drainage pipe to Williams Equipment & Supply Co. in the amount of \$54,930.00.

26. RESOLUTION awarding contract for a fiber management system to JDSU Corporation in the amount of \$70,381.00.
27. RESOLUTION awarding contract for SCADA remote radios to Edison Automation, Inc. in the amount of \$47,970.00.
28. RESOLUTION awarding contract for a multi-power unit to Scruggs Equipment Company in the amount of \$46,351.48.
29. RESOLUTION awarding contract for hydraulic cranes to:
- | | |
|--------------------------------|-------------------|
| All Wheel Drive Equipment..... | \$108,376.00 |
| Altec Industries, Inc..... | <u>341,504.00</u> |
| Total..... | \$ 449,880.00 |
30. RESOLUTION awarding contract for forklift trucks to Shaw Material Handling Systems in the amount of \$106,278.10.
31. RESOLUTION awarding 12-month contract to Patterson Welding Service to include two additional 12-month options to renew for fabrications and repairs of Substation equipment in the amount of \$90,000.00.
32. RESOLUTION awarding contract for approximately 2000 feet of 12” epoxy-coated steel pipe to Supply Line of Memphis in the amount of \$220,940.00.
33. RESOLUTION approving contract with the Memphis Regional Chamber in the amount of \$175,000.00 for the 2008 commitment to Memphis 2005 Economic Development Strategic Plan, and its successor, the Memphis ED Plan, provided that no part of this funding shall be used to oppose or promote ballot initiatives.
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REGULAR AGENDA

34.
Flinn

APPOINTMENTS

ANIMAL SHELTER ADVISORY COMMITTEE

Appointments

Frank James

Janice Taylor Vaughn

GENERAL ORDINANCE – THIRD AND FINAL READING ((None))

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

35.

Collins

RESOLUTION approving Library Infrastructure – CIP Project IS01056, to maintain the Library's fiber-optic network and to update the hardware necessary to provide services to the branches.

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION ((None))

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

36. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$275,000.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001, to install CIPP FY09, project number SW02078 and for a construction contract with Insituform Technologies, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$416,182.00 funded by G.O. Bonds from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 36, project number PW04068, to install curb ramps and for a construction contract with Precise Concrete Works.

Morrison

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

38. RESOLUTION urging Governor Phil Bredesen and the Tennessee General Assembly to correct deficiencies in the Basic Education Program Formula, for the purpose of adequately and equitably funding Memphis City Schools and Shelby County Schools.

Fullilove

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT